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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/576,999	05/24/2000	Syed Aon Mujtaba	2925-0261P	4786

30594 7590 12/21/2004

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EXAMINER

ZEWDU, MELESS NMN

ART UNIT	PAPER NUMBER
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2683

DATE MAILED: 12/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action	Application No. 09/576,999	Applicant(s) MUJTABA ET AL.	
	Examiner Meless N Zewdu	Art Unit 2683	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 05 November 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See attachment.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: None.

Claim(s) objected to: 11,24 and 37.

Claim(s) rejected: 1-10, 12-23, 25-36, 38 and 39.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

DETAILED ACTION

Response to (After final)

1. This action is in response to the communication filed on 11/5/2004.
2. Claims 1-39 are pending in this action.
3. This action is an Advisory Action.

Remarks /(attachment to Form PTOL-303):

In this after final response, applicant has raised an issue to which examiner sees a need to respond. Hence, following is a response corresponding to the argument presented by applicant.

Argument : with regard to all claims, applicant traverses the rejection by saying that none of the references teach nor suggest a base station servicing a macrocell and at least one microcell comprising at least: "one steerable N-dimensional ($N \geq 2$) array co-located with an antenna of said base station, the steerable N-dimensional array for serving the microcell within the macrocell, the base station being in the macrocell but not the microcell."

Response: examiner respectfully disagrees with the argument. In that, the combination of the references applied to the claims teach or suggest the claimed features. Fujii et al. (5,551,060) provides a radio coverage area that comprises an inner and outer cells wherein the inner cell is at the center of the outer cell. It is a macro/micro hierarchically

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overlaid cell structure. Both of these cells are served by a single base station using an "umbrella" like antenna that angularly varies to provide coverage to the inner and outer cell. In other words, at a narrow angle, the inner cell gets covered and at a wider angle the outer cell. Hence, one base station antenna serves as two antennas to cover two cell areas. But, as pointed out in the body of the rejection Fujii does not explicitly teach about one steer-able N-dimensional antenna ($N > \text{or} = 2$) array, as claimed by applicant. This feature is taught by Keskitalo (US 6,091,788). Keskitalo teaches about a steerable antenna beam in a base station equipment wherein the antenna array consists of a plurality of elements (see col. 3, line 32-col. 4, lines 18). Both of these references are related and hence combinable as shown in the rejection of the claims. Furthermore, one skilled in the art knows that a steer-able antenna beam can be directed to any desired direction and elevation in the viewable field of the coverage area. However, both of these references lack the requirement placed by the claims that the base station antenna be placed in the macrocell but not in the microcell, as claimed. Although, this feature is arguably a design choice, examiner has cited the Russell's reference (US 5,627,879) to show that "microcell base station units do not normally include an antenna, and can be located in a convenient and preferably low cost location, which may be outside of the microcell system territory if desired." (see col. 4, lines 12-19). Arguments traversing other supplementary references used in the rejection of the claims is similar in nature. In that it is based on the base references (references used in all of the claims) with an attempt to show that the supplementary references do not cure the deficiency in the base references. In conclusion, examiner is of the opinion that, the

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references used in the rejection of the claims in the instant application are related, combinable, and obviate the claims as rejected.

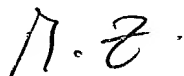
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Meless N Zewdu whose telephone number is (703) 306-5418. The examiner can normally be reached on 8:30 am to 5:00 pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (703) 308-5318. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Meless Zewdu



Examiner

12 December 2004.



WILLIAM TROST
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600